

LIBER 04786PG2-1 \$19.00

Detroit Edison

Real Estate & Rights of Way

Joint Underground Residential Distribution Right of Way Agreement

LIBER 05082PG651

B564925

B423490

November 30

19 89

For good and valuable consideration of system betterment, the undersigned hereby grant and convey to THE DETROIT EDISON COMPANY, a Michigan corporation of 2000 Second Avenue, Detroit, Michigan and MICHIGAN BELL TELEPHONE COMPANY, a Michigan corporation of 444 Michigan Avenue, Detroit, Michigan, hereinafter referred to collectively as "UTILITY", an easement for the sole purpose of providing electric and telephone communication service for the property described in Appendix "A" with the right to erect, lay, maintain, reconstruct, and replace underground facilities consisting of wires, cables, conduits, fixtures and appurtenances including the necessary above-ground equipment and connections required to provide telephone communication and electric services in, under, upon, and across the property located in the Township of Clinton, County of Macomb, State of Michigan, and more particularly described on the attached Appendix "A"; with the full right to the UTILITIES of ingress and egress upon said property for the purposes of this grant, and the further right to trim, cut down, or otherwise control brush and trees within the right-of-way herein described.

Said right-of-way shall be six (6) ft in width unless otherwise indicated and the route is described as follows:

Location of permanent easement is on property as described in Appendix "A" and as shown on attached plans: Appendix "B", "C", "D", "E", and "F".

In order to provide for the property maintenance and protection of UTILITY, the undersigned covenant and agree that:

1. The right of way will be graded to within four inches of final grade before the UTILITY'S lines are installed and this ground elevation must be maintained after installation of utilities to avoid the pooling of water in, on or around UTILITY'S above ground equipment.
2. No buildings or structures other than UTILITY'S equipment are to be placed within the right-of-way herein granted. Pavement, sidewalks, curbs, sanitary sewer, storm sewer, water mains, gas mains, t.v. cable, and sprinkler lines shall not be considered to be structures.
3. No shrubs or foliage shall be planted or grown within eight feet of the front door of transformers or switching cabinet enclosures. UTILITY shall not be responsible to owners for damages to or removal of trees or plant life planted in front of said door or within the right of way causing an interference with UTILITY'S maintenance of their equipment.
4. If the lines or facilities of UTILITY are damaged by the acts of owners, their agents, employes or contractors, repairs shall be made by the utility company so damaged at the cost and expense of owners. Owners are defined as those persons owning the property at the time the damage occurred.

THIS GRANT is declared to be binding upon the heirs, successors, lessees, licensees and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand(s) on the date of this agreement.

Witnesses:

X Walter Knoss

WALTER KNOSS

X Larry D. Bodol

LARRY D. BODOL

Grants: OCCIDENTAL DEVELOPMENT, LTD.
a Michigan Limited Partnership

BY: Sheldon Rose
Sheldon Rose, General Partner

RECORDED IN MACOMB COUNTY

RECORDS AT: 1:40p

DEC 20 1989

RECORDED IN MACOMB COUNTY

RECORDS AT: 1:22p

APR 19 1991

Prepared by: & return to:
Michael J. McCabe
15600 - 19 Mile Road
Mt. Clemens, MI 48044

CLERK - REGISTER OF DEEDS
MACOMB COUNTY, MICHIGAN

Address: 23999 W. 40 Mile, Suite A
PO Box 837
Macomb, Michigan

RECORDED IN MACOMB COUNTY
RIGHT OF WAY NO. 41663

25

11/30/89

LIBER 04786PG265

Acknowledgement-Individual

STATE OF MICHIGAN

County of _____)SS

LIBER 05082PG652

On this ____ day of _____, 19 ____, the foregoing instrument was acknowledged before me, a notary public in and for said county, by _____

Notary Public, _____ County, Michigan

My commission expires _____

Acknowledgement-Individual

STATE OF MICHIGAN

County of _____)SS

On this ____ day of _____, 19 ____, the foregoing instrument was acknowledged before me, a notary public in and for said county, by _____

Notary Public, _____ County, Michigan

My commission expires _____

Acknowledgement-Corporation

STATE OF MICHIGAN

County of _____)SS

On this ____ day of _____, 19 ____, the foregoing instrument was acknowledged before me, a notary public in and for said county, by _____

whose title(s) is /are _____ of _____, a _____ corporation, on behalf of the corporation.

Notary Public, _____ County, Michigan

My commission expires _____

RECORDED RIGHT OF WAY NO. 41663

Acknowledgement-Partnership

STATE OF MICHIGAN

County of Oakland)SS

On this 30TH day of November, 19 89, the foregoing instrument was acknowledged before me, a notary public in and for said county, by Sheldon Rose, General Partner

(a) general/~~XXXXX~~ partner(s), on behalf of Occidental Development, Ltd., ~~XXXXXXXXXX~~ a Michigan Limited Partnership

Larry D Bodol
Notary Public, OAKLAND County, Michigan

My commission expires 3-21-90

LIBER 05082PG653

LIBER 04786PG266

APPENDIX "A"

"THE HARBOURS APARTMENTS, PHASE 2A", Part of Sections 3 and 4 and part of P.C. 610, T2N, R13E, Clinton Township, Macomb County, Michigan, being more particularly described as: Commencing at the Northwest corner of said Section 3, T2N, R13E; thence, along the North line of Section 3, N 87°46'13" East 777.96 feet, said line being also the centerline of Hall Road (M-59) and the North line of Enterprise Industrial Subdivision, Liber 85, Pages 1 and 2 of Macomb County Records; thence along the East line of said Enterprise Industrial Subdivision, S 01°25'21" East 948.33 feet to the point of beginning; thence S 01°25'21" East 122.00 feet; thence S 87°46'13" West 103.00 feet; thence S 08°42'29" East 594.94 feet; thence S 02°35'00" East 201.00 feet; thence S 10°25'00" West 475.00 feet; thence N 75°11'39" West 591.00 feet; thence along the North line of Dunham Pointe Subdivision, Liber 85, Pages 3-6, inclusive, Macomb County Records, N 86°58'42" West 363.22 feet; thence N 50°12'56" West 419.75 feet; thence N 02°36'43" East 259.47 feet; thence N 02°36'43" East 726.32 feet; thence N 87°37'34" East 141.26 feet; thence S 87°19'57" East 304.85 feet; thence along the South line of said Enterprise Industrial Subdivision and its extension S 87°46'20" East 853.35 feet to the point of beginning.

W.R.
11/29/89

RECORDED RIGHT OF WAY NO. 41663

Date: May 2, 1991
To: Records Center /
From: Michael J. McCabe *MSM*
Sr. Real Estate and Rights of Way Representative
Macomb Division
Subject: Right of Way Agreement for Underground Residential
Distribution for The Harbours Apartments, Phase 2A
located in part of Sections 3 and 4 and part of Private
Claim 610, Town 2 North, Range 13 East, Clinton
Township, Macomb County, Michigan

Attached for Records Center is the executed Right of Way Agreement, dated November 30, 1989, and other pertinent papers for the above named project.

Easement for this project was requested by Darrell E. White, Service Planner, Macomb Division. The Agreement was negotiated by Michael J. McCabe, Representative of Real Estate and Rights of Way, Macomb Division.

Detroit Edison Company and Michigan Bell Telephone Company made this agreement with Occidental Development, Ltd, Sheldon Rose, Partner, the developers of The Harbours Apartments, Phase 2A.

Please make the attached papers a part of recorded Rights of Way file.

MJM/caw

Attachment

RECORDED RIGHT OF WAY NO. 41663

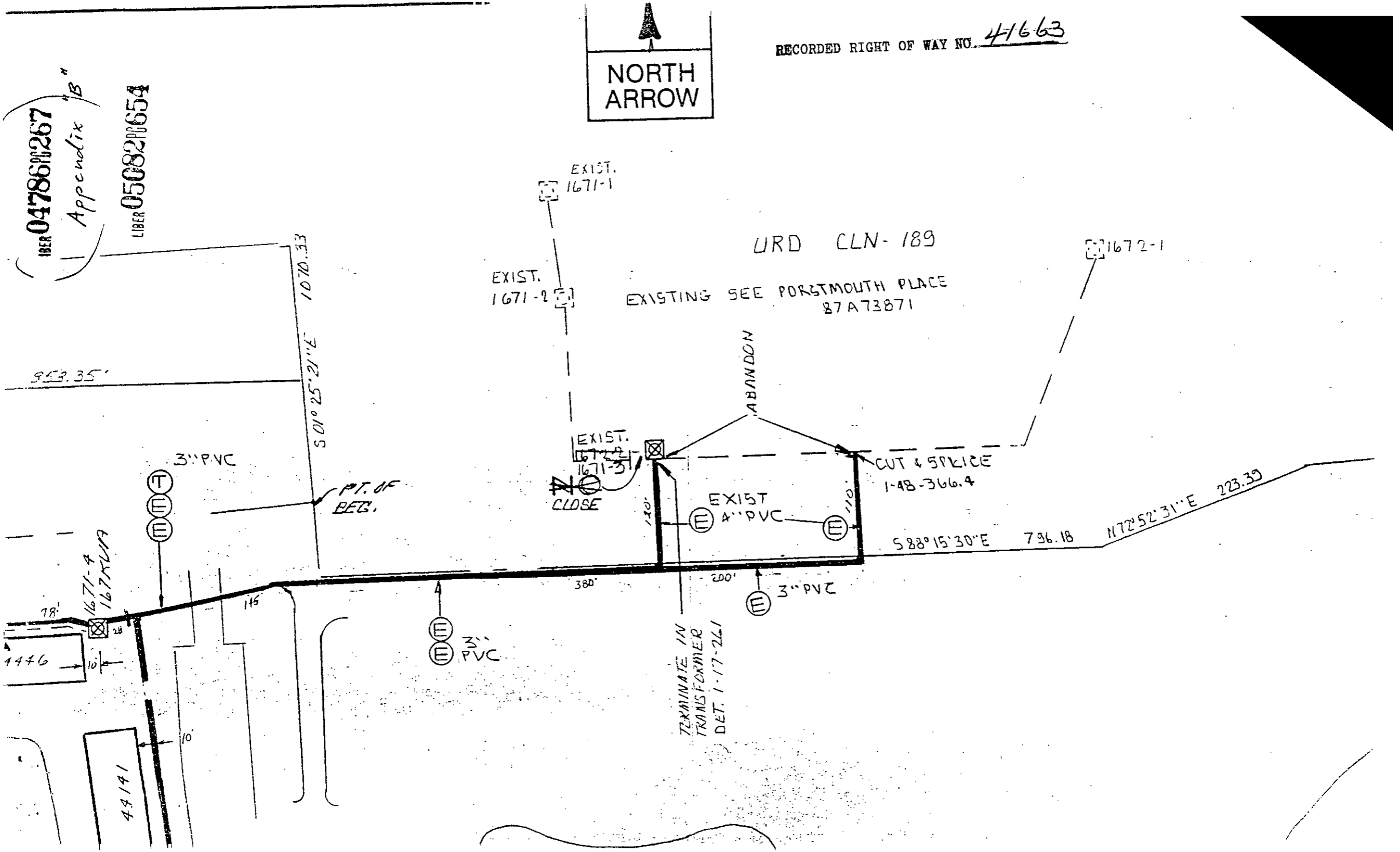
LIBER 04786 PD 267

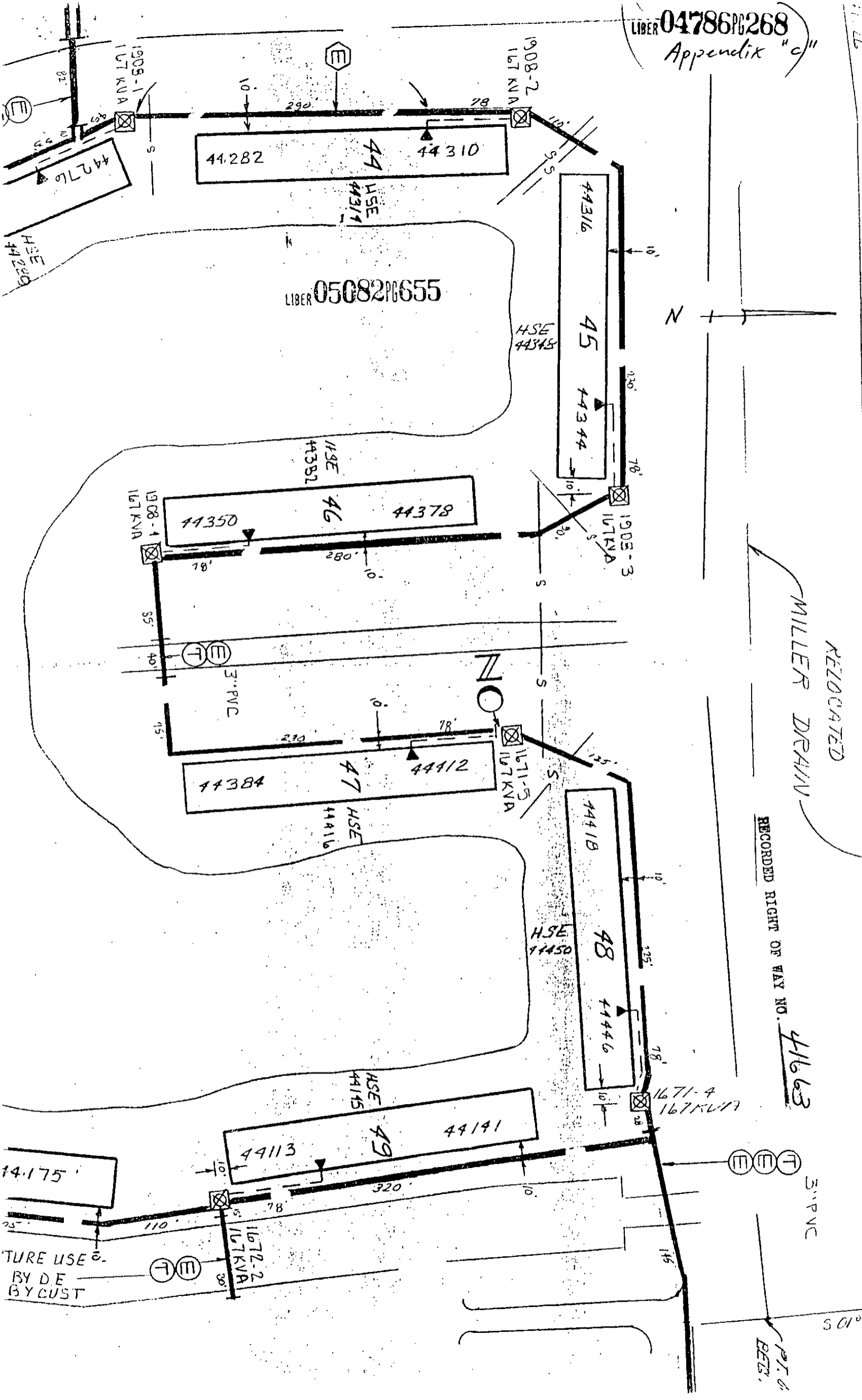
Appendix "B"

LIBER 05082 PD 654

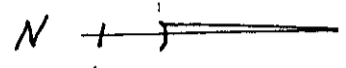
NORTH
ARROW

RECORDED RIGHT OF WAY NO. 41663





LIBER 05082 PG 655



RELOCATED
MILLER DRAIN

RECORDED RIGHT OF WAY NO. 41663

3\"/>PVC

P.T. & BEES.

UTURE USE
BY D.E.
BY CUST

50'

HEYDENRE
LIBER 050820657

Appendix "E"

N 02° 36' 4"

RECORDED RIGHT OF WAY NO. 41663

3" PVC BY D.E.
BDRE 42'

Trench To Be
3' From R.
587.96' 20" E

3" PVC

1905-1
167 KVA

44 HSE 44319
44282

HSE 44382
46

HSE 44416
47

1908-4
167 KVA

LIBER 047860270

PF B 1909

PF B 1908

MILLER
& DRAIN

3" PVC FURN.
BY DE
INSTALLED BY
CUST.

44276
HSE 44289
43

44248
HSE 44247

44215 42 44243

1909-1
167 KVA

1909-2
167 KVA

HSE 44

44181 41

GRADE

3" IN 2-4" PVC
ACROSS DRAIN
FURN. BY D.E.

3" PVC FUTURE USE
FURNISHED BY
INSTALLED BY

375' N

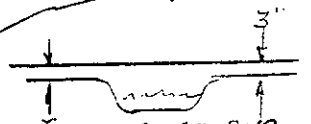
375.00

275'

N 02° 36' 4"

N 50° 12' 56" W

415.75



D.E. ONLY

TEL. ONLY

GAS ONLY

OTHERS

TOTAL

SITE SUPT.

RECORDED RIGHT OF WAY NO. 41663

PHONE NO. _____

— GENERAL NOTES —

TRENCHING TO BE DONE BY D.F. CO.

TRENCH AND CABLE LENGTHS ARE APPROXIMATE.

SEE SECTION 56 UG LINE CONSTRUCTION STANDARDS FOR TRANS. MAT. DETAILS.

SEE PAGE 3-2-11 S.I.M.) DETAIL "_____" FOR ENTRANCE POINT DETAILS (APTS. ONLY)

SEE SECTION 43 UG LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (SUBS ONLY)

D.E. SERVICE PLANNER: D. WHITE IRM 286-9430

TEL. CO: DET D. BOOKOUT 466-1042

GAS CO: _____

OTHERS: _____

EASEMENTS INDICATED BY OUR CENTERLINE ARE 6'

IN WIDTH UNLESS OTHERWISE NOTED.

PERMITS REQUIRED

_____ COUNTY NOTIFICATION TO _____

CITY OF _____

STATE YES NO

NOTICE

Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS DIG on 800-482-7171 as required by Public Act 53 of 1974 before doing any power excavating.

PERMITS REQUIRED	DECO.	HBT.	CATV.	GASCO.
SOIL EROSION	X	X		
COUNTY ROAD	X	X		
COUNTY DRAIN	X	X		
CITY	X			

LIBER 0478610271

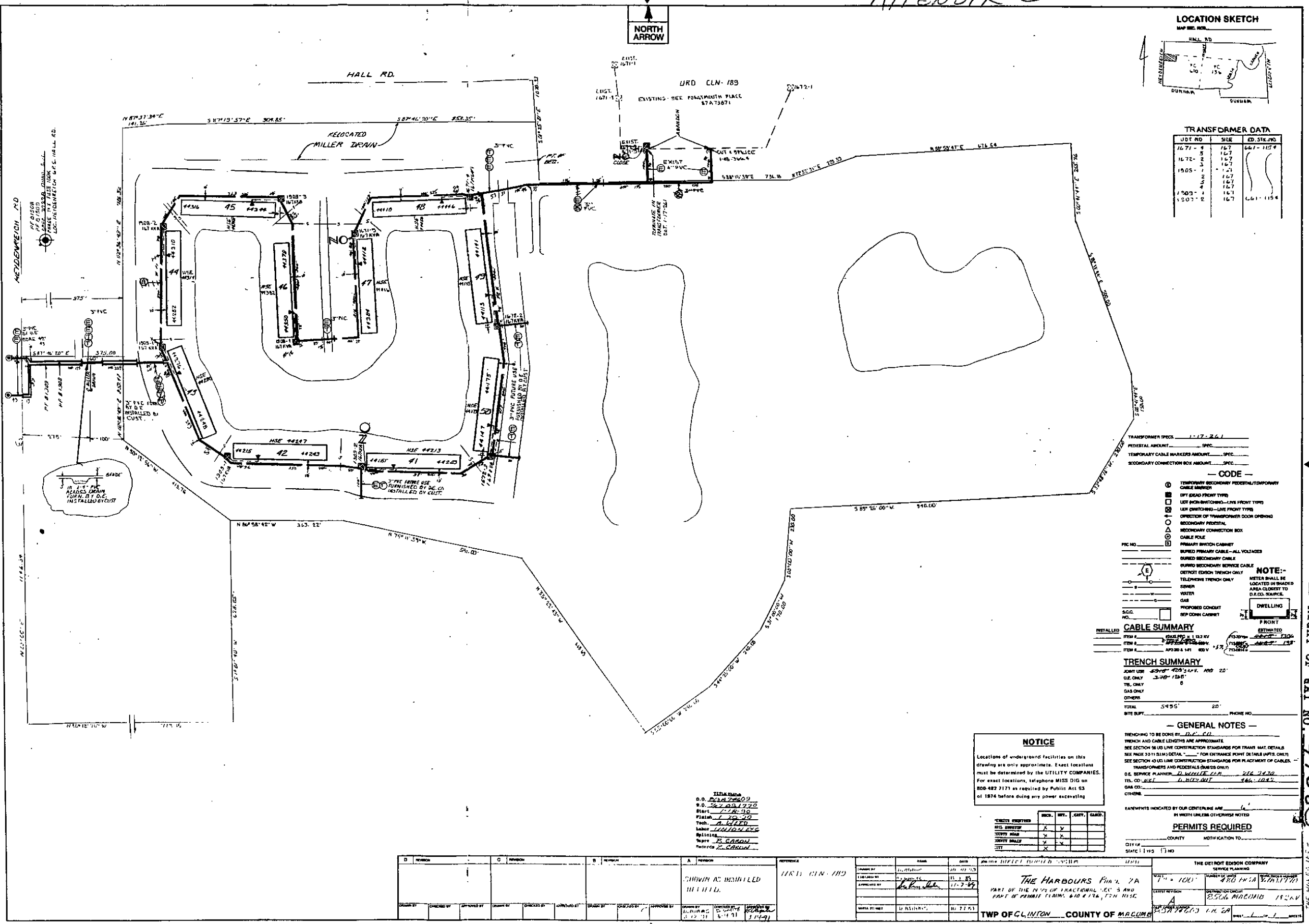
LIBER 0508210658

Appendix "F"

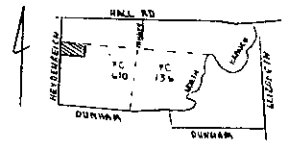
NAME	DATE	JOB TITLE	THE DETROIT EDISON COMPANY
D. ADAMS	10-30-89	DIRECT BURIED SYSTEM - URD -	SERVICE PLANNING
D. WHITE	11-7-89	<p>THE HARBOURS PHASE 2A</p> <p>PART OF THE N 1/2 OF FRACTIONAL SEC. 3 AND PART OF PRIVATE CLAIMS 610 & 136, T2N R13E.</p>	SCALE 1" = 100'
<i>De Renaldi</i>	11-7-89		NUMBER OF UNITS 480 PH. 2A
			WORK ORDER NUMBER 36789J770
			LATEST REVISION
			DISTRIBUTION CIRCUIT 8506 MACOMB 13.2KV.
D. ADAMS	10-27-89	TWP OF CLINTON COUNTY OF MACOMB	DEPT. ORDER NUMBER 89A74609 PH. 2A
			SHEET 1 OF 1 SHEETS

THE HARBOURS

APPENDIX G



LOCATION SKETCH



TRANSFORMER DATA

UTL NO.	SIZE	ED. SKE. NO.
1671-4	16.7	667-1129
1672-5	16.7	
1672-3	16.7	
1605-7	16.7	
1605-2	16.7	
1605-1	16.7	
1605-4	16.7	
1605-1	16.7	
1605-2	16.7	667-1154

TRANSFORMER SPEC. 1-17-261
 FEDERAL AMOUNT SPEC.
 TEMPORARY CABLE MARKERS AMOUNT SPEC.
 SECONDARY CONNECTION BOX AMOUNT SPEC.

- CODE**
- ⊙ TEMPORARY SECONDARY FEDERAL/TEMPORARY CABLE MARKER
 - ⊙ DPT DEAD FRONT TYPE
 - ⊙ LUT FROM BMT/STANDARD-LINE FRONT TYPE
 - ⊙ LUT SWITCHING-LINE FRONT TYPE
 - ⊙ LOCATION OF TRANSFORMER DOOR OPENING
 - ⊙ SECONDARY FEDERAL
 - ⊙ SECONDARY CONNECTION BOX
 - ⊙ CABLE POLE
 - ⊙ PRIMARY SWITCH CABINET
 - ⊙ BURIED PRIMARY CABLE-ALL VOLTAGES
 - ⊙ BURIED SECONDARY CABLE
 - ⊙ BURIED SECONDARY SERVICE CABLE
 - ⊙ DETROIT EDISON TRENCH ONLY
 - ⊙ TELEPHONE TRENCH ONLY
 - ⊙ SENSER
 - ⊙ WATER
 - ⊙ GAS
 - ⊙ PROPOSED CONDUIT
 - ⊙ SEP CONN CABINET

CABLE SUMMARY

ITEM #	DESCRIPTION	ESTIMATED
1	2500 FT. 113 KV	1300
2	1000 FT. 33KV	1300
3	1000 FT. 15KV	1300

TRENCH SUMMARY

ITEM #	DESCRIPTION	ESTIMATED
1	JOINT USE 48" x 24" x 18" 20'	20
2	O.E. ONLY 3-78" 12x8"	6
3	TEL. ONLY	0
4	GAS ONLY	0
5	OTHERS	0
TOTAL		5455'

- GENERAL NOTES**
- TRENCHING TO BE DONE BY D.E. CO.
 - TRENCH AND CABLE LENGTHS ARE APPROXIMATE.
 - SEE SECTION 58 JO LINE CONSTRUCTION STANDARDS FOR TRAIL AND DETAILS.
 - SEE PAGE 3311 DETAIL FOR ENTRANCE POINT DETAILS (WATER ONLY).
 - SEE SECTION 43 JO LINE CONSTRUCTION STANDARDS FOR PLACEMENT OF CABLES, TRANSFORMERS AND PEDESTALS (SUBS ONLY).
 - O.E. SERVICE PLANNER: D. WHITE (1-8) 216-7270
 - TEL. CO. SKE: J. HODGINS 216-1047
 - GAS CO.
 - OTHERS

NOTICE

Locations of underground facilities on this drawing are only approximate. Exact locations must be determined by the UTILITY COMPANIES. For exact locations, telephone MISS DIG on 800-487-2171 as required by Public Act 53 of 1974 before doing any power excavating.

TITLE BLOCK

D.O. 2012009
 S.D. 201201770
 Start 11-22-99
 Finish 1-10-00
 Trch. A. W. LEE
 Labor UNION PLS
 Milling B. CARON
 Reps B. CARON

ITEM	REQ.	MT.	QTY.	GLD.
SOIL BENCH	X			
SOFTY ROAD	X			
SOFTY WALL	X			
SOFTY	X			

PERMITS REQUIRED

CITY OF CLINTON COUNTY NOTIFICATION TO STATE

D	C	B	A	REVISIONS	DATE	BY	DESCRIPTION
				SHOWN AS INSTALLED	11-22-99	A. W. LEE	1

NO.	DATE	BY	DESCRIPTION
1	11-22-99	A. W. LEE	ISSUED

NO.	DATE	BY	DESCRIPTION
1	11-22-99	A. W. LEE	ISSUED

THE HARBOURS PHASE 2A
 PART OF THE N/2 OF FRAGMENTAL SEC 3 AND
 PART OF RANGE TOWNSHIP 610 & 174, T5N, R15E

TWP OF CLINTON COUNTY OF MALDEN

RECORDED RIGHT OF WAY NO. 41663